

the State Banking Department, first of all, let me back up a step or to. The Comptroller of Currency was contacted. They cleared it, said, yes it is okay, go ahead. The bank then said, okay, we will start, and they started the ball rolling. Then a question came up by virtue of, and in fact, the story appeared in the South Omaha Sun where somebody was going to oppose this type of thing. Then the National Bank, Omaha National, in other words, said, well, if there is some question about it, maybe we had better clear it through the State Banking Department. They did. They got a letter clearing them through the State Banking Department. Everything is okay. Go ahead. So they built the bank, the facility. Then on, I will get you a date here, December 26th, the Director of Banking sent Omaha National a letter, changed their minds. Wait a minute. We have thought about this for a while, we don't think it does. In other words, he got pressure from the, well, I won't name them, but from two other banks in Omaha, applied pressure to the Banking Director so he changed his mind. And then on December 31st, they had a grand opening, four days later. How can you change your mind after the facility is built.

SENATOR COPE: In other words, the application was denied then those few days before, is that correct?

SENATOR GOODRICH: Not before it was built, before it was to open.

SENATOR COPE: That is what I wanted to know.

SENATOR GOODRICH: It was an original approval given by the Banking Department and then they changed their minds four days before the grand opening.

SENATOR COPE: Thank you. Now, may I have a question of Senator Murphy.

SENATOR MURPHY: Yes, sir.

SENATOR COPE: I would like to have your comments on that.

SENATOR MURPHY: The issue of when construction started on this facility or whether or not this facility should continue in use is not an issue. The court has said eliminate one. There is no occasion for them to eliminate a two million dollar building. There is no occasion for them not to use this facility but there is an occasion of unfair competition in that they are plopping down a third facility out in an area that could well be served by someone else and only a giant of the industry such as this can afford this sort of thing. These buildings are not telephone booths. They are not giveaway items and we are very severely handicapping the growth of the bank. But this facility, irregardless of when it was started, when it was christened, they are totally free to use it under the present court order and under the Director's limitation on it. They simply say two but not three.

SENATOR COPE: May I ask one more question, Senator Murphy. Now where in the legal process are we right now on this?

SENATOR MURPHY: It is my understanding that they have the, Omaha National has now appealed the ruling of the Eighth Circuit Court setting en banc as they call it, the whole